

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
JOHN P. HERMAN
CLERK

2013 NOV 21 PM 2:48

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

1:13MJ-713

Express Mail parcel label number EM745425786US, postmarked
November 19, 2013, weighing 1 pound 2 ounces, addressed to Samuel
Karl, 1701 Stewart Ave, Arcata, CA 95521 with a return address of
Andrew Baxter, 7877 Bayer Dr, West Chester, OH 45069

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Express Mail parcel label number EM745425786US

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
841 (a) (1), 843 (b) & 846	Conspiracy to distribute a controlled substance
	Possession with intent to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector O'Neill

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Karen L. O'Neill, U. S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/21/13

Judge's signature

City and state: Cincinnati, Ohio

Honorable Stephanie K. Bowman
United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CINCINNATI, OHIO

STATE OF OHIO)
) SS
COUNTY OF HAMILTON)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, KAREN O'NEILL, HAVING BEEN DULY SWORN, DEPOSE AND STATE: I am a United States Postal Inspector, having been so employed since March 2003. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for Southwest Ohio, Northern Kentucky, and Southeast Indiana. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.

Your affiant has become aware that drug traffickers frequently use Express Mail, a business-oriented overnight service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances, and their proceeds or instrumentalities from the sale of the controlled substances. Your affiant has also become aware that drug traffickers frequently use Priority Mail with delivery confirmation, a 2-3 day service offered by the United States Postal Service. As a result of investigations and successful controlled substance prosecutions where the Mail was used, your affiant has learned of certain characteristics indicative of other Mail items previously identified as containing narcotics or other dangerous controlled substances, their proceeds or instrumentalities from the sale of the controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, the mailer using different post offices on the same day to send parcels, false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

On November 19, 2013, your affiant was contacted by a clerk at the Cincinnati Postal Processing & Distribution Center (P&DC) regarding Express Mail parcel label number EM745425786US addressed to Samuel Karl, 1701 Stewart Ave, Arcata, CA 95521 with a return address of Andrew Baxter, 7877 Bayer Dr, West Chester, OH 45069. Your affiant knows that Arcata, California is a known drug source area.

Your affiant is familiar with the addressee address Andrew Baxter, 7877 Bayer Dr, West Chester, OH 45069 from an Express Mail parcel that was delivered to that location on November 14, 2013. That parcel had a return address of Larry Wilcox, 1700 Stewart Ave, Arcata, CA 95521. Your affiant knows that "Wilcox" is not associated with 1700 Stewart Ave, Arcata, CA 95521.

Your affiant knows that Andrew Baxter is associated with 7877 Bayer Dr, West Chester, OH 45069.

Your affiant knows that an 8 pound parcel was delivered to 7877 Bayer Dr, West Chester, OH 45069 coming from Arcata, California on November 14, 2013.

Your affiant requested the parcel be placed in a secure location for further investigation.

On November 20, 2013, your affiant obtained Express Mail parcel label number EM745425786US from the Cincinnati P&DC.

On November 20, 2013, your affiant did a check in Accurint on the addressee address 1701 Stewart Ave, Arcata, CA 95521. Accurint is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to Accurint, the name "Karl" is associated with 1701 Stewart Ave, Arcata, CA 95521.

On November 20, 2013, the Cincinnati Police Department Narcotics Unit was contacted to arrange for a narcotic canine to check the parcel. Officer Phil Stoup responded to the Cincinnati Postal Inspection

Service office, Cincinnati, Ohio where the parcel was placed in a controlled area and presented to narcotic canine, "Max". "Max" alerted positively to the presence or odor of a controlled substance or their proceeds or instrumentalities upon Express Mail parcel label number EM745425786US addressed to Samuel Karl, 1701 Stewart Ave, Arcata, CA 95521. Attached herewith, and made part hereof by reference, is a photocopy of the narcotic canine handler's record of examination.

The parcel is further identified as follows: a U.S. Postal Service Express Mail Legal Size Envelope approximately 14" x 10" in size, bearing Express Mail parcel label number EM745425786US, weighing 1 pound 2 ounces, postmarked November 19, 2013; see address information below:

Sender: Andrew Baxter
7877 Bayer Dr
West Chester, OH 45069

Addressee: Samuel Karl
1701 Stewart Ave
Arcata, CA 95521

This information, along with the positive alert of narcotic canine "Max" is indicative of a drug package or its proceeds.

Based on the information contained herein, your affiant believes that contained in Express Mail parcel label number EM745425786US is a quantity of a narcotic or other dangerous controlled substance, their proceeds or instrumentalities.

Therefore, a search warrant to open the parcel is requested.

Further, your affiant sayeth naught.

A handwritten signature in blue ink, appearing to read "K. O'Neill", written over a horizontal line.

Karen O'Neill
Postal Inspector

Subscribed and sworn to and before me this 21 day of November, 2013.

A handwritten signature in blue ink, appearing to read "Stephanie K. Bowman", written over a horizontal line.

Honorable Stephanie K. Bowman
United States Magistrate Judge



United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, Officer P. STOUT, am and have been employed by the CINCINNATI POLICE DEPT since 1993. Among other duties, I am currently the assigned handler of narcotics detection canine "May" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

MARIJUANA, COCAINE, HEROIN, AND METHAMPHETAMINE

On 11-20-13, at the request of Postal Inspector K. O'Neill, I responded to Cincy Postal Insp office, where "May" did alert to and indicate upon: [describe item]

PM745425786 US addressed to Samuel Karl
1701 Stewart Ave Arcata CA 95521 with a return
address Andrew Baxter 2877 Buyer Dr West Chester
OH 48069

Which, based upon my training and experience and that of "May", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

[Signature] 11/20/13
(Signature and Date)

[Signature] 11-20-13
(Signature and Date)